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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

RASHEED STRANE,

Defendant and Appellant.

A143739

(Alameda County  
Super. Ct. No. 173916)

Rasheed Strane appeals from a judgment following a jury trial. His court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable issues on appeal. There are no issues requiring further review and we affirm.

**PROCEDURAL BACKGROUND**

Strane was charged in an amended information with one count of murder in violation of Penal Code section 187, a second count of attempted murder under Penal Code sections 187 and 664, and a single count of shooting at an occupied vehicle in violation of section 246. Each count was enhanced for his intentional use of a firearm causing great bodily injury and alleged as a violent felony. The information also alleged prior felonies and a prior prison term. Strane entered a plea of not guilty and declined to waive time for trial.

Jury trial commenced on July 21, 2014. Following 12 days of testimony, the jury deliberated for three and one half days and returned verdicts finding Strane guilty of

second degree murder, attempted murder and shooting at an inhabited vehicle. Each of the enhancements was found true.

Strane was sentenced to a term of 15 years to life for second-degree murder, plus 25 years to life for the firearm use enhancement, for a total of 40 years to life on count one. He was given a term of 9 years for attempted murder also to be enhanced for his use of a firearm to run concurrently to his sentence on count one. The sentence on count three was stayed pursuant to section 654. Fines and fees were ordered within legal limits, and victim restitution was awarded to the Victim Compensation Board in the amount of \$3,248.59. He was awarded 436 days of pre-sentence credits.

### **FACTUAL BACKGROUND**

The evening of August 17, 2013, Joseph Johnson and his fiancée Rebecca Viera parked their car in the vicinity of 72nd Avenue and MacArthur Boulevard in Oakland, passenger side to the curb. Viera's five-year-old son was in the back seat. Shortly after they stopped, Strane approached the car and fired five shots. Viera was killed and Johnson was seriously injured.

Strane claimed he shot in self-defense because Johnson had called him on the phone and threatened him shortly before the shooting. He said that when he saw the car stop in the street that evening, Johnson jumped out and was pointing what looked like a rifle at Strane. He quickly fired five shots. A machete was found in Johnson's car after the shooting, but no rifle or handgun.

Johnson disputed Strane's account of the shooting. Other witnesses testified about a dispute between Strane's girlfriend and another woman, and Viera's possible involvement in a fight that was to occur between the women. Witnesses also testified about Strane's behavior after the shooting and a series of cell phone contacts among the women's phones leading up to it.

### **DISCUSSION**

Despite Strane's claim of self-defense, there was ample evidence of second-degree murder. We have reviewed the record for procedural and substantive irregularities in rulings on motions in limine, the hearing on admissibility of Strane's statement to the

police, the compulsion of witness testimony, jury instructions, argument of counsel and responses to inquiries from the jury. There are none.

Strane's counsel has represented that he advised Strane of his intention to file a *Wende* brief in this case and of Strane's right to submit supplemental written argument on his own behalf. He has not done so. Strain has also been advised of his right to request that counsel be relieved.

There was no error, and our review of the entire record reveals no issue requiring further briefing.

### **DISPOSITION**

The judgment is affirmed.

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Siggins, J.

We concur:

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McGuiness, P.J.

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Pollak, J.

*People v. Strane*, A143739